**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**W.P.No.27442 of 1996**

***Date:24.01.2007***

**Between:**

S.Raja Reddy and others.

.. PETITIONERS

AND

The Sastry Educational Academy and others.

..RESPONDENTS

**ORDER:**

The petitioners-four in number were appointed as Lecturers in the second respondent-college (managed by the first respondent-society) on 17.10.1981, 15.10.1981, 06.12.1982 and 05.09.1984 respectively. Their appointments were approved by the Board of Intermediate Education on 01.03.1984, 01.03.1984, 04.02.1988 and 25.09.1985 respectively. All the petitioners were placed in the pay scale of Rs.800-1450 up to 30.09.1986. The pre-revised pay scales were revised with effect from 01.07.1986 to Rs.1550-3050. According to the petitioners, respondents 1 and 2 have not given them the benefit of the revised pay scales from 01.10.1986 till 15.04.1990. In so far as the petitioners grievance against respondents 1 and 2 is concerned, it is for extension of the revised pay scales at Rs.1550-3050 from 01.10.1986 and for arrears of salary from 01.10.1986 to 15.04.1990.

The grievance of the petitioners against respondents 3 and 4 is that while fixing their pay scales in the grant-in-aid posts, their salaries were reckoned at Rs.1,000/- per month and they were not fitted in the appropriate pay scales taking into consideration that the pay scales were revised to Rs.1550-3050 from 01.07.1986.

It is necessary to note that G.O.Ms.No.1103 Education (VI) Department, dated 23.09.1981, whereby, the first respondent was accorded approval for establishing a junior college, required the management of the college to appoint qualified staff following the procedure prescribed by the Government and to pay the scale of pay as prescribed by the Government from 01.07.1986 at Rs.1550-3050.

In view of the approval granted in G.O.Ms.No.1103, dated 23.09.1981, the petitioners are entitled for payment of these pay scales and there shall be a direction to respondents 1 and 2 accordingly.

In so far as the other submission, with regards failure of respondents 3 and 4 in fixing their pay in the appropriate pay scales while extending grant-in-aid, is concerned, it cannot be lost sight of that grant-in-aid, is in the nature of financial assistance given by the Government to the college. As has been held by a Division Bench of this Court in **Y.SIDDA REDDY v GOVERNMENT OF A.P.,** [1] no mandamus can be sought by a Lecturer or any other staff of the college requiring the Government to provide grant-in-aid.

Learned Government Pleader for Higher Education would submit that A.P. Act 26 of 2006 disentitles the petitioners from claiming such a benefit. She would further submit that, while the petitioners were being paid the regular pay scales from 16.04.1990 when the grant-in-aid was extended to the college, from the academic year 2005-2006 the second respondent-college is not functioning and all the Lecturers, including the petitioners, have been shifted to other needy colleges, and that the relief sought for against respondents 3 and 4 must, therefore, be rejected. These submissions of the learned Government Pleader merits acceptance.

The writ petition is accordingly allowed in part. However, under the circumstances, without costs. The first respondent shall compute the amounts liable to be paid to the petitioners and pay the amounts due to them, within a period of three months from the date of receipt of a copy of this order.

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24.01.2007

kdl

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[1] 2006(1) ALT 354 (D.B.)